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Interview with Friend of the Court Dennis Swain of Benzie/Manistee Counties

by State Court Administrative Office, Friend of the Court Bureau Staff

Dennis Swain directs the Friend of the Court Office for the 19th Circuit Court, which serves Manistee and Benzie Counties. Dennis received his bachelor's degree from Michigan State University and his Juris Doctorate from Thomas M. Cooley Law School. He began his law career in private practice as a general practitioner.

From 1985 to 2000, Dennis was Manistee County's elected prosecuting attorney. In that capacity, he worked on various child support issues. Approximately six years ago, the 19th Circuit Court's chief judge asked Dennis to lead an effort to revamp the court's family law services. Since January 2001, Dennis has been the circuit's FOC while also administering the court's Family and Juvenile Divisions.

The 19th Circuit Court FOC has offices in both of the circuit's counties, one office in the City of Manistee and the other in the Village of Beulah (Benzie County). The offices are approximately 30 miles apart. Dennis works at both locations, and travels to whichever office needs him most on a particular day. Together, the two counties have approximately 2400 active FOC cases. They share three judges and two referees.

Manistee and Benzie Counties rely heavily on tourism to boost their economies. With the Lake Michigan coastline and the many inland lakes in the area, outdoor activities attract both locals and tourists. Benzie County is the home of Crystal Mountain, a popular ski resort.

Over the last decade, both counties have seen dramatic increases in their populations. Benzie County boasted the highest population increase in Michigan between 1990 and 2000. Currently, it has approximately 16,818 residents—an increase of 31.1 percent since 1990! Manistee County's population has increased 15.3 percent, to a total of 24,527.

The 19th Circuit Court's Friend of the Court Office employs a relatively small staff; there are five employees in Manistee and two in Beulah. This makes for a very close-knit group. Dennis stated that he has the "absolute best staff" adding that this

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Ingham County Friend of the Court Jail Alternative Sentence Project (JASP)

*by Donald L. Reisig, Ingham County Friend of the Court and
Deputy Court Administrator, Family Division of 30th Circuit Court*

Recognizing a need to assist noncustodial parents with job skills, to work with nonpayers of support to develop realistic payment plans, and to relieve jail overcrowding, the Ingham County Friend of the Court, in cooperation with the Ingham County Parks Department, implemented the **Jail Alternative Sentence Program (JASP)** on June 1, 2004.

Two events prompted the action by the Ingham County Family Court and the Ingham County Friend of the Court to develop our "JASP" program. First, the action by Michigan Works! (Work First) in determining not to fund future Friend of the Court job programs for noncustodial parents highlighted the need for meaningful and productive job placement for individuals who owe support obligations on behalf of Michigan children.

Second, jail overcrowding, both in the Ingham County jail and in jails throughout Michigan, results in little room for holding people sentenced for failing to pay child support on contempt citations. In Ingham County, there is a jail overcrowding emergency virtually every ten days during which nonpayers are released, often on the same day they were sentenced, resulting in a decrease in support collections.

With this background in mind, our FOC staff developed the following program:

Persons held in contempt of court for nonpayment of child support who do not meet the monetary terms of release, who have no other pending criminal charges, and who have no regular employment are sentenced to **JASP**. These individuals report to their assigned work sites throughout Ingham County on Monday through Friday to work an 8-hour shift of *community service*. The participants learn such skills as landscaping, carpentry, and maintenance, and they develop a work ethic (timeliness, appropriate dress and cooperation with other employees) that can be translated to *any* job. JASP participants do *not* wear "uniforms." They are treated with respect and concern. Participants have acknowledged both a heightened self-esteem and a greater employability after participating in the program, and have been enthusiastic about the program.

The philosophy of the project is to assure future compliance with court orders. The ideal program candidate is someone who has not acquired a large child support arrearage, and who has only been held in contempt of court on one prior occasion. We are thus attempting by early intervention to break the obstinate cycle of "non-payment/show cause/jail," and thereby reduce the *need* for repeated enforcement efforts and jail overcrowding.

Our Court Services Officer and the Work Crew Coordinators at each work site counsel JASP participants regarding employment opportunities, Friend of the Court procedures, and their responsibilities to their children under the court order.

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Access and Visitation Grants

by State Court Administrative Office, Friend of the Court Bureau Staff

The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) gives states "Access and Visitation Grants" to support and facilitate non-custodial parents' access to, and visitation with, their children. A state may use its grant to fund mediation, counseling, education, the development of parenting plans, parenting time enforcement, and the development of guidelines for parenting time and alternative custody arrangements.

Michigan's Access and Visitation Grant is awarded to the Michigan Department of Human Services and administered by the State Court Administrative Office's (SCAO) Office of Dispute Resolution. Although the grant is a permanent component of PRWORA, congress must appropriate the money each year.

SCAO determined that the access and visitation grant funding for FY 2007 would be awarded to friends of the court (FOCs) by a noncompetitive funding application process. This process provided funding to all interested FOCs, but only for supervised parenting time and neutral drop-off and pick-up services. Each county's grant was based on that county's number of domestic relations cases filed that involved families with children.

In total, 31 FOCs will receive access and visitation grant money for FY 2007. The remainder of this article will focus on the grant-funded programs in Manistee, Benzie, and Ingham Counties.

Manistee and Benzie Counties are both in the 19th Judicial District. Their FOC offices received \$2,400 in access and visitation grant funding for FY 2007. Ms. Shelda Newman will provide supervised parenting time and neutral pick-up and drop-off services. Referrals for these services will come from interviews with the parents, written requests from parents, and/or interviews with children. Ms. Newman will telephone the parents to monitor the services that have been provided. As part of this program, both parents will be required to meet with the parenting time supervisor and prepare action plans that outline the steps that they must take to transition to unsupervised parenting time. The parenting time supervisor will observe each parenting time session and then forward a written report to the court.

Ingham County's FOC office received an FY 2007 access and visitation grant for \$7,250. The money will be used to provide supervised parenting and neutral drop-off and pick-up services. The Ingham County FOC will partner with Michigan State University's Chance at Childhood Supervised Parenting Time Program. Referrals for this program will come from the Ingham Circuit Court. Law students and social work graduate students will provide supervised parenting time services to families who have problems related to substance abuse, domestic violence, lack of parenting skills, or the parents' inability to communicate.

The MSU students who work in the program have received training in domestic violence, crisis intervention, child abuse and neglect, diversity in families, and safety.

Future issues of the *Pundit* will feature articles about other counties' access and visitation programs.

"... access and visitation grant funding for FY 2007 would be awarded to (FOCs) by a noncompetitive funding application process."

"The Friend of the Court Bureau has hired four law students to work as customer service clerks."

Introducing the New Friend of the Court Bureau Customer Service Clerks

by State Court Administrative Office, Friend of the Court Bureau Staff

The Friend of the Court Bureau has hired four law students to work as customer service clerks. They will assist the FOCB with litigant concerns, legal research, grievance reviews, and a variety of other responsibilities, including writing articles for "The Pundit." This is the second "class" of law students hired by the Bureau for this special customer service program, which began in 2005. Here are short introductions to the newcomers. All of them are already hard at work.

Tanielle Henriques joined the FOCB in August 2006. She was born and raised in Toronto, Ontario. She earned her bachelor's degree in political science at Winston Salem State University in Winston-Salem, North Carolina. Tanielle is a third-year law student at Thomas M. Cooley Law School. She is a member of the Law Review, a graduate assistant for the Academic Resource Center, a grade-appeals magistrate, and a mentor for incoming students. After graduation, Tanielle will move to Nashville, Tennessee to work for Waller, Lansden, Dortch & Davis, PLLC, as an associate in their Trial & Appellate Practice Division.

Alice Newlin has been with the Bureau since June 2006. She is a second-year law student at the Michigan State University College of Law, where she is a member of the Law Review and president of the Women's Law Caucus. Alice is a newcomer to Michigan, having grown up in Colorado Springs, Colorado. She earned her bachelor's degree at the University of Puget Sound in Washington. She hopes to continue working at the FOCB until her graduation from law school in 2008. She then plans to pursue a career in family law or academia.

Elizabeth Petsche began working with the FOCB in October. She attended the University of Illinois, where she received a bachelor's degree in political science. Betsy is a third-year law student at the Michigan State University College of Law. She is involved in a number of law school organizations, including the Labor and Employment Law Society, the Family Law Society, and Phi Alpha Delta. After she graduates in May 2007, Betsy intends to return to Illinois and pursue a career in family law.

Sarah Yust joined the FOCB in August 2006. She received her bachelor's degree in English and Sociology from Ball State University. Sarah currently is a third-year law student at Thomas M. Cooley Law School, where she is an articles editor for the Law Journal. Sarah is from Indiana, but plans to remain in Michigan after she graduates from law school in May 2007. She intends to pursue a career in family law.

Angela Houston is the most recent addition to the FOCB customer service clerk staff, having joined the FOCB in November. A native of Canada, she graduated from the University of Northern British Columbia with a degree in English in 2002, and then spent a couple of years living and working in Vancouver, BC until deciding to attend law school at Michigan State University. She is a second-year law student at MSU, and a staff member of the Journal of Business and Securities Law. Angela plans to practice in the United States after graduation in 2008.

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Interview with Dennis Swain, continued from page 1

is one of the most satisfying aspects of being the FOC director. He praised the staff's dedication to providing top-notch support enforcement. He also is proud of the payer-friendly atmosphere in the two offices. By this, he means that if payers show a good-faith effort to make their child support payments, the staff will respond to occasional lapses with encouragement rather than immediate threats of enforcement. He added that his office's known proactive stance makes payers more willing to cooperate with payees when both are participating in the office's programs.

The office is dedicated to providing good customer service. They accept walk-in appointments. In fact, most client meetings with case workers are *not* prescheduled meetings. Office hours are 8:30 a.m. – 5:00 p.m., Monday through Friday. Both locations offer free parking. The office accepts litigant correspondence via e-mail. They are working toward establishing an interactive website.

Dennis conducts regular in-service training sessions at which the FOC staff analyzes client grievances and other concerns, discusses FOC office procedures, and reviews any changes in the local courts' policies and procedures. Speaking with the FOC staff, it is immediately obvious that they are dedicated to helping parties understand the judicial system and the FOC's role in that system.

Both FOC offices partner with local family advocacy groups to help litigants obtain needed services. In addition, the offices contract with private providers of mediation and supervised parenting time services.

Dennis believes that new technology is both the best and the most challenging thing about the present Michigan child support program. He stated that the Michigan Child Support Enforcement System (MiSCES) has evolved and is gradually becoming the program that was envisioned. He now finds it much easier to use MiCSES. But he added that, due to the relatively short time that local FOC offices had to make the transition to MiCSES, the consumer has been forced to suffer while MiCSES is debugged. If it had been up to him, he would have waited to introduce the MiSCES system until it was completely bug free. In addition, he would have asked for more input from the judiciary on how the system should work, so as to create more uniform policies throughout the judicial branch.

Dennis believes that improvement in technology is the key to a successful child support program in the future. Dennis encourages Michigan to take advantage of the promises technology holds for improving the system. As technology improves, he believes that old processes and organizational structures should not merely be implemented but instead should be re-examined and improved to take advantage of that technology. The bottom line for Dennis is that "we need to build for the future."

Jail Alternative Sentence Project, continued from page 2

In the JASP program's first seven months in 2004, 147 individuals were referred to JASP from the jail. Of these, 81 successfully completed the program by working a combined 1,957 days. These 81 individuals provided 15,656 hours of community service work, saving Ingham County \$112,723.20 in seasonal employee costs. Additionally, the release of these individuals from the jail freed up 81 beds for 1,938 days; at a cost of \$44.75 per bed per day, that saved the County \$86,725.50.

In 2005, we resolved 493 bench warrants, directly collecting \$222,283. This included 386 JASP participants who worked a total of 53,288 hours valued at \$395,294.

In 2006, through September 30, we resolved 400 warrants involving 268 people, directly collecting \$71,370. This included 227 JASP participants who worked a total of 38,410 hours valued at \$285,151.

Unfortunately, there are those who do violate JASP rules and/or abscond from the program. In the first year, 42 individuals violated their sentencing and were returned to the jail, or simply absconded. For the absconders, there are 20 outstanding warrants; the other 22 were recaptured and incarcerated to fulfill their sentences.

We began this JASP program in partnership with the Ingham County Parks Department. Since then, other community agencies have requested to participate. Delhi Township Maintenance and Parks Departments, the Ingham County Fairgrounds, and Cristo Rey Community Centers have had active JASP work crews. We are exploring the development of additional programs with the City of Lansing.

Having successfully implemented the basic premises of the JASP program, we now look to expand the program to provide other tangible employment opportunities. We hope to achieve this by recruiting local employment agencies to assist in job skill evaluations and placements, and in working with us to maximize development of work skills. We look forward to working with OCS/DHS and other state agencies in this effort.

We believe our JASP program has the potential for expansion and development in other communities, particularly in this day of jail overcrowding and budgetary shortfalls. The curtailment of public expenditures for needed community services such as park improvement and building maintenance allows us to provide *meaningful* work opportunities for noncustodial parents, particularly in these times of high unemployment in Michigan.

Customer Service Clerks, continued from page 4

All of the clerks are happy to have the opportunity to work with the wonderful people at the Friend of the Court Bureau, and to gain valuable family law experience by helping to administer the Michigan child support enforcement and collection systems. Their law school experiences and their diverse interests are invaluable resources that will help the Friend of the Court Bureau provide top-notch customer service to the public.
